

Town of Concord  
Zoning Board of Appeals

141 Keyes Road  
Concord, MA 01742  
Tel: (978) 318-3295  
Fax: (978) 318-3291



# Zoning Board of Appeals Application

Received by Clerk of the Board:

Town Use Only

Town Clerk Stamped Received

Application Fee: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

## 1 Application Information

This Application is for:

- ☐ Special Permit    ☐ Site Plan Review    ☐ Variance    ☐ Comprehensive Permit  
☐ Appeal from a decision of the Building Inspector/Zoning Enforcement Officer

What Sections of the Concord Zoning Bylaw are applicable to this Application?  
(Specifically identify each section.)

\_\_\_\_\_

\_\_\_\_\_

Nature and justification of request: (Attach additional pages if needed.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 2 Property Information

Address: \_\_\_\_\_

Parcel ID #: \_\_\_\_\_

Map #: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Total land area (acres or square feet): \_\_\_\_\_

Lot frontage: \_\_\_\_\_

Present use: \_\_\_\_\_

Proposed use: \_\_\_\_\_

Check all applicable:

- ☐ Historic District  
☐ Wetlands Conservancy District  
☐ Flood Plain Conservancy District  
☐ Groundwater Conservancy District  
☐ Wireless Overlay District  
☐ White Pond Advisory Area  
☐ Property contains abandoned railroad right-of-way  
☐ 100' Wetland Buffer Zone  
☐ 200' River's Act Area  
☐ Within 2 miles of the end of any Hanscom Field runway

### 3 APPLICANT AND OWNER INFORMATION

The undersigned hereby certifies that he/she has read and examined this application, the Board of Appeals Procedures and Checklist and that the proposed project is accurately represented in the statements made in this application. The undersigned also certifies that applications have been filed with the Planning Board, Natural Resources, and White Pond Advisory Committee, if appropriate, and hereby requests a hearing before the Board of Appeals with reference to the above application.

Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature) \*required

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Telephone: \_\_\_\_\_  
(Address, if different from property address)

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print.)

\_\_\_\_\_ Telephone: \_\_\_\_\_  
(Address, if different from property address)

Applicant is: ☐ Owner ☐ Tenant ☐ Agent/Attorney ☐ Purchaser

**To avoid project delays**, this Application and all supporting documentation must be reviewed by a Town of Concord Building Inspector prior to filing with the Town Clerk.

Please be advised that it is the **Applicant's responsibility to schedule an appointment to meet with a Building Inspector at least one to two weeks before the application submission deadline.**

This completed Application has been reviewed by a Town of Concord Building Inspector.

\_\_\_\_\_ Signature of Building Inspector

\_\_\_\_\_ Date of Review



TOWN OF CONCORD  
141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742  
TEL. (978) 318-3295  
**Zoning Board of Appeals Application Procedures**

A copy of the Zoning Board of Appeals (ZBA) Meeting schedule and the **filing deadline** for each meeting can be found on the Town of Concord website [www.concordma.gov](http://www.concordma.gov) or a copy can be obtained at the Planning Division or ZBA Office. All hearings are open to the public, as required by law, and all applications submitted become public record. The applicant and/or his/her representative should plan to appear at the hearing.

**Before the ZBA Application is filed.....**

1. Review all new applications with a Town of Concord Building Inspector to ensure that the application is correct, complete and clear. Applicable site plans, building plans and any required documentation should be included for this review. Please be advised that it is the Applicant's responsibility to schedule an appointment for this review **at least one to two weeks before the application submission deadline** in order to avoid project delays.
2. **Review the Concord Zoning Bylaw before completing the application.** Copies of the Zoning Bylaw can be viewed and/or purchased in the Building Division at 141 Keyes Road on the second floor or found on the Town of Concord website [www.concordma.gov](http://www.concordma.gov). Locate the specific sections of the Bylaw that pertain to your application and enter these section numbers on the application form. Complete the "nature and justification of your request" section of the application form by specifically addressing the language found in that section of the bylaw that pertains to your application. Also, if a **special permit** is sought, reference Section 11.6 of the bylaw or if a **variance** is sought, reference Section 11.7 of the bylaw. Failure to cite or note the correct sections could cause delays for your project.
3. Fill out the ZBA Application completely in accordance with these Application Procedures and the appropriate Application Checklist so that there will be no ambiguity or uncertainty as to your intent in seeking approval of your application.
4. Certain types of ZBA Applications require recommendations and/or approvals from other Boards and Commissions. Some examples are:
  - a. If any portion of the property is located within one of Concord's Historic Districts and your application involves any visible exterior change to the property, contact the Historic Districts Commission Office directly. A Certificate of Appropriateness must be issued by the **Historic Districts Commission** before a decision will be rendered by the ZBA.
  - b. If a **Planning Board** review and recommendation of the application is required, additional copies of the complete ZBA application package must be submitted to the Planning Board at the same time that the application is filed with the Zoning Board of Appeals.
  - c. If any portion of the project falls under the jurisdiction of the Massachusetts Wetlands Protection Act, contact the **Division of Natural Resources Office** directly. A Determination of Applicability and/or an Order of Conditions may be required before a decision will be rendered by the ZBA.

### **On the day the ZBA Application is filed.....**

1. Ten (10) copies of the application together with ten copies of all required documentation and plans are filed with the Town Clerk at the Town House at 22 Monument Square. The Town Clerk will date stamp each application, keep one copy and return nine copies to you.
2. At the same time that you file the application with the Town Clerk, submit one copy of the "Abutters List Request Form" to the Assessor's Office at 30 Monument Square in Suite 215. The Assessor's Office will calculate the number of Abutters to the property while you wait. The charge per Abutter is \$1.00 and must be paid to the Assessor's Office at that time. The Assessor's Office will later forward the list of Abutters to the ZBA Office and that Office will mail the Abutter Notices. The Assessor's staff will stamp a copy of the request form and give it back to you. This stamped copy is submitted to the Zoning Board of Appeals Clerk when you file your application.
3. The remaining nine copies of the application and documentation must be filed on the same day with the ZBA Clerk at 141 Keyes Road together with your check made out to the **Town of Concord** in the amount indicated on the Fee Schedule. (See below.)

### **Before the day of the ZBA Hearing.....**

Follow up with the staff of other town boards, as applicable, to ensure that their review and recommendation of the proposed project will be available before your scheduled hearing date. All necessary reviews and/or recommendations to the Board of Appeals from other town boards/staff must be available before a decision will be rendered by the Zoning Board of Appeals.

If you determine that these reviews and recommendations will not be available by the Board of Appeals scheduled hearing date, you should request a continuance of the ZBA hearing, in writing, until such other board review and recommendation is completed.

### **Make plans to attend the hearing or arrange for your representative to attend.**

#### **Fee Schedule**

Appeal Decision of the Building Inspector/Zoning Enforcement Officer	\$200.00
Special Permit (new)	\$200.00
Special Permit (renewal)	\$100.00
Fairs, bazaars, antique shows, suppers & dances (tax exempts or non-profits)	\$ 35.00
Variances	\$200.00
Comprehensive Permit	\$250.00

When filing an application for a **Comprehensive Permit**, the applicant shall also deposit with the Board a sum in the amount of **\$2,500** for projects up to and including 25 units. Such deposit shall be increased by the sum of \$50 for each additional unit over 25 units. This deposit will be utilized by the Board to defray the costs of consultants for review of the application. Any unused funds will be returned to the Applicant.

When filing an application for a **Special Permit for a Wireless Communications Facility**, the applicant shall also deposit with the Board a sum not to exceed \$10,000 to cover the cost of a technical consultant, hired by the Town of Concord, to review the application and evaluate alternatives. Any unused funds will be returned to the Applicant. **Please contact the Zoning Board of Appeals Office for the appropriate deposit amount.**

**Instructions:**

This form is to be completed by the Applicant and submitted to the Assessor's Office at the same time that the Applicant submits ten copies of a complete Zoning Board of Appeals Application to the Town Clerk. The Assessor's Office will calculate the number of Abutters to the property while you wait. The charge per Abutter is \$1.00 and must be paid to the Assessor's Office at that time. The Assessor's Office will later submit the list of Abutters to the Zoning Board Appeals Office and that Office will mail the Abutter Notices on the appropriate date.

**Abutters List Request Form**

Property Address: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Name of Person Requesting List: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Town Department list is requested for: **Zoning Board of Appeals**

Date Requested: \_\_\_\_\_

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**For Assessors use only**

Date Processed: \_\_\_\_\_

Amount paid: \_\_\_\_\_

## Concord Zoning Board of Appeals Application Checklist

Property Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

### Information to be submitted with application:

#### Recommendation from: (if applicable)

- ☐ Planning Board
- ☐ Natural Resources Commission
- ☐ Historic Districts Commission
- ☐ White Pond Advisory Committee
  
- ☐ Check made payable to the Town of Concord for \$ \_\_\_\_\_
  
- ☐ **Written description of proposed changes:** This should include a thorough description of the existing conditions or use; the proposed changes, including proposed use changes and any other relevant information that the Board may need in reviewing the application. For a renewal of a special permit, submit a copy of the current special permit decision and related documentation.
  
- ☐ **Proof of when house or structure was built:** This can be most conveniently obtained by copying the Assessor's Data Sheet of the property available in the Assessor's office.
  
- ☐ **Basic site plan:** This plan should include the property boundaries, outlines of existing buildings and structures; outlines of proposed buildings and structures; existing and proposed pavement areas; and existing and proposed easements. This plan should be prepared and stamped by a registered land surveyor.
  
- ☐ **Detailed site plan:** This plan should include the same information as the basic site plan plus, in addition, all public and private utilities on-site; existing and proposed curb cuts; and dumpster locations; and any other information relevant to the petition. This plan should be prepared and stamped by a registered land surveyor.

- ☐ **Certified Plot Plan** showing closest points of structure to each lot line. This plan should be prepared and stamped by a registered land surveyor.
- ☐ **Parking layout:** Submit dimensioned existing and proposed layout, including stall delineations. (9 foot by 22 foot dimensioned parking spaces)
- ☐ **Wetlands and flood plain conservancy district delineation:** This information is available from the Town. Actual 100-year flood elevation requires a registered land surveyor. Actual wetlands delineation requires a wetlands scientist.
- ☐ **Landscape plan:** Include type and size of plant material proposed to be planted, plus outline of planting beds.
- ☐ **Photographs:** Photograph the area proposed to be changed from various angles and show on the site plan the location from which the photos were taken. Include views of abutting property. Photos should be mounted on an 8-1/2" x 11" page.
- ☐ **Sign details and location:** Show the location of existing and proposed signs on the site plan.
- ☐ **Floor plans:** Include existing and proposed layout, drawn to scale and dimensioned.
- ☐ **Building elevations:** Show existing conditions and proposed changes drawn to scale.  
For Architectural plans, anything other than one and two family residential developments, **ALL** plans must be prepared by a MA Registered Architect.
- ☐ **A copy of the record deed** for the property.
- ☐ **Other:** \_\_\_\_\_

**Number of copies that must be submitted with application:**

- ☐ Ten (10) copies of the completed application
- ☐ Ten (10) copies of all supportive materials
- ☐ Two (2) full size copy of the plan(s) showing all requested information, including floor plans & elevations
- ☐ Ten (10) copies of an 11" x 17" reduction of the plan(s)
- ☐ One copy of the Abutters List Request Form stamped by the Assessor's Office

## **Concord Zoning Board of Appeals Site Plan Requirements**

**The Site Plan must contain at least the following:**

- ☐ Title information and Project name and address
- ☐ Developer and/or designer's name
- ☐ Date of plan and all revisions
- ☐ Scale, North arrow, and other reference points
- ☐ Locus map at one inch equals four hundred feet (1" = 400')
- ☐ Setbacks, buffer areas, areas not to be disturbed by construction, and no cut/no build areas
- ☐ Location of all structures on site

**For commercial and industrial projects, the Site Plan(s) must also contain the following:**

- ☐ Names of abutters and relation of site to abutting properties
  - ☐ Existing and proposed topography at two (2) foot intervals
  - ☐ Existing and proposed roadways, driveways, loading and parking areas, walkways and sidewalks
  - ☐ Existing and proposed curbing type, location and details
  - ☐ Existing and proposed easements and right of ways
  - ☐ Existing and proposed street and site lighting and details, including type of fixture and wattage
  - ☐ Existing and proposed drainage measures and drainage computations, stamped and signed by a MA Registered Professional Engineer (P.E.)
  - ☐ Provisions for water and electric services and sewage disposal, including location of connections to street service where applicable
  - ☐ Method and location of refuse storage and disposal
  - ☐ Location of fire hydrants and/or fire alarm boxes, as required
  - ☐ Location, type, size and age of any underground storage tanks
  - ☐ Location and spacing of existing and proposed plant material
  - ☐ Numbers, sizes and types of plant materials
  - ☐ Notation of plants to be removed
  - ☐ Proposed treatment of all ground surfaces (paving, gravel, grading, turf, etc.).
- 
- For new commercial and industrial construction, a description of erosion and sedimentation control measures, including location and specifications of temporary and permanent measures and a schedule of operations indicating the starting and completion dates for each phase of construction must accompany the plan.
  - If submitting an application that requires Site Plan Review, the applicant must submit the required Site Plan Review application and requested Site Plan information to the Planning Division. Please refer to the Planning Division Site Plan Review Checklist.
  - Unless waived by the Board of Appeals, **ALL** plot plans and site plans must be prepared by a MA Registered Professional Engineer or MA Registered Land Surveyor for property line determinations.



## **COMPREHENSIVE PERMITS**

### **40B APPLICATION REQUIREMENTS**

*The Zoning Board of Appeals should review an application immediately to determine whether it adequately describes the proposed housing.*

#### **Contents of the Application**

The following should generally be submitted to the ZBA with a comprehensive permit application:

1. **Project Eligibility Letter** - A project eligibility/site approval letter from a state or federal housing agency that states that the project has been determined eligible under a particular housing subsidy program
2. **Evidence of Site Control** - Evidence that the developer has control of the property in question: a copy of the deed, purchase and sale agreement, option agreement, or similar documentation;
3. **Preliminary Site Development Plans** - Plans showing location and footprints of buildings, as well as roadways, paved areas, open space, and drainage;
4. **Site Conditions Report** - A narrative description of site and existing buildings;
5. **Preliminary Drawings** - Preliminary architectural drawings, including typical plans and elevations for each building type;
6. **Building Tabulation** - A tabulation of the proposed number of buildings, units, and bedrooms per building;
7. **Subdivision Plan** - A plan showing the subdivision, if a subdivision is part of the proposal; size and frontages of lots and streets may vary from local requirements, but the drafting of the plan should conform to the technical standards of the municipality, though it need not contain the detail of a definitive subdivision plan;
8. **Utilities Plan** - Plans indicating the approximate location of utilities and other infrastructure;
9. **Requested Exemptions** - A list of requested exceptions to local bylaws, codes, ordinances, regulations, and fees, including the zoning bylaws and subdivision regulations.

**Concord Zoning Board of Appeals  
Regulation and Procedure**

**Special Municipal Account – Comprehensive Permit Consultant - Review Fees and Procedures:**

**1. Adoption by local Board/Authority:** Adoption by Zoning Board of Appeals as provided under M.G.L. Ch.44, Section 53G as it relates to the Board's purview under the State's Comprehensive Permit Law (M.G.L. Chapter 40B).

**2. Purpose.** When reviewing an application for a Comprehensive Permit, the Board, at its sole discretion, may determine that the assistance of outside consultants is warranted due to the proposed project's size, scale, complexity, potential impact or use of the land.

The Board may require that applicants pay a "review fee" consisting of the reasonable costs incurred by the Board for the employment of a qualified independent consultant engaged by the Board to assist in the review of an application for the Comprehensive Permit. Such fee shall be submitted with the application for a Comprehensive Permit and the Board (or its designated staff) shall identify the need for an outside consultant and prepare a scope of services for an outside consultant.

**3. Consultant Selection.** In hiring outside consultants, the Board may engage architects, planners, engineers, lawyers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws and regulations. An outside consultant shall assist the Board, in review and comment prior to action by the Board, in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Minimum qualifications of an outside consultant shall consist either of an educational degree in, or closely related to, the field at issue and, if the field is licensed or registered by the Commonwealth, the respondent holds such license or registration.

Outside consultants shall be selected by the Board and retained by the Board (in accordance with the Town's procurement requirements), with the actual and reasonable costs for their services to be paid by the applicant. Projects that are deemed by the Board to require review by outside consultants shall be delivered to the selected consultant(s), who shall submit a cost for the requested consultant services to the Board. To the extent possible, the Board shall select consultants that are not working for an applicant currently before the Board.

**3. Submittal of funds.** Funds received by the Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from the special account may be made at the direction of the Board without further appropriation and shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure of an applicant to pay for review fees shall be grounds for denial of the respective application or permit.

**4. Definition of "Project" under 53G.** For purposes of the management of consultant fees under the 53G procedure adopted herein, the term "project" shall mean the work of the designated consultant and the conclusion of the "project" shall occur when the Board approves the report submitted by the consultant.

**5. Handling of Consultant Review Fees.** The consultant review fee is to be deposited into a special account designated by the Town Treasurer as set forth in M.G.L. Ch.44, section 53G. The Town Treasurer shall, from time to time, issue such rules and regulations for administration of these funds and deposits as may be necessary, providing that such rules and regulations shall be consistent with best

accounting practices, with the Town's bidding and accounting procedures and in conformance with applicable state and federal laws and regulations, including Section 53G of Chapter 44.

**6. Appeal from the Selection of the Consultant.** The applicant shall be notified of the consultant selection prior to initiation of consultant efforts. As provided in M.G.L. Ch.44. section 53G, any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for an administrative appeal shall be limited to claims that the consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications. Such appeals may be initiated by the applicant filing notice with the Town Clerk within seven calendar days of notice of selection. The consultant selection made by the Board shall stand if one month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Board shall be extended by the duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

**7. Remedy.** Failure of an applicant to pay the consultant review fee determined by the Board, or to replenish the special account when requested, may be grounds for denial.

**8. Effective Date.** This regulation was adopted by the Board on Thursday, June 13, 2002, in accordance with the requirements of M.G.L. Ch.40A.